Is not a book for the average student whose time is limited, or for the lawyer who wishes to get hastily a superficial account, clearly and briefly stated, of the historical origin of some doctrine, disappointing from a source which might well supply advanced scholarship?

Nevertheless, given the author's problem, it is difficult to see how it could be better performed. The author has wisely avoided the "vertical" method of tracing each institution from its origin, and treats the history of the law in four natural periods: Pre-Norman; 1066–1272; 1272–1660; 1660–1911. The chapter on the law of chattels and the chapters covering contract and tort are particularly well done. He places Glanvil's writ of debt beside his writ of right, and shows their striking resemblance. Debt was essentially a real action, and likewise its sister remedy, detinue. The explanation of the common notion based on Bracton, Book III, ch. 3 (4), that there never was any real action for a chattel he finds in a custom designed since Glanvil's day at first to protect the plaintiff in detinue, *i. e.*, that the plaintiff must put a price on his chattel in order that he might recover its value if the defendant had parted with it. The court thus "got into the habit of giving judgment for the return of the chattel *or its value*, an alternative not unnaturally interpreted by defendants in their favour." (pp. 57–59.) The chapters on contract and tort are models of compressed exposition. Here again there is enough independent thinking to tantalize the reader at the lack of space.

The final period he divides into chapters on: Modern Authorities and the Legal Profession, Reform by Equity, Changes in the Land Law, New Forms of Personal Property, Contract and Tort, Reform in the Criminal Law, and Modern Civil Procedure. The treatment here in special topics might be subject to the criticism that the reader's attention is not sufficiently concentrated on the broad underlying principles of reform in the nineteenth century, but the discussion in the chapters on reform in criminal law and on civil procedure makes this objection less pertinent. More space might well be given to the law merchant. Brevity has led to one inaccuracy. The liability of a husband for his wife's contract is placed upon grounds of agency.[1] This, of course, is not always true. The liability is often quasi-contractual.[2] The author himself has recognized in another place that a case may be put that breaks down the theory of an express agency.[3] J. W.

HISTORICAL INTRODUCTION TO THE ROMAN LAW. By Frederick Parker Walton, Professor of Roman Law and Dean of the Faculty, McGill University, Montreal. Second Edition, Revised and Enlarged. Edinburgh and London: William Green and Sons. 1912. pp. xvii, 392.

In the second edition Professor Walton's book is not merely increased by half its former bulk, but it is revised and greatly improved throughout, so as almost to be a new book. Moreover, especial endeavor appears to have been made to bring it up to date in all respects. The latest and best authorities have been studied zealously and put to good use. In a field so long trodden and retrodden by masters of law and of history, the writer of a student's text may not be asked to do more.

The book was written primarily for Quebec, to serve as a prelude to the study of the Institutes in a jurisdiction where dogmatic study of Roman law is a necessary basis of legal education. With us, where dogmatic study of Roman law is of value chiefly, if not solely, as an introduction to comparative law, and

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[1] P. 306. [2] 9 Col. L. Rev. 72.
[3] Jenks, Digest of English Civil Law, Book I, pp. 56, 57.

historical study of Roman law as a basis for institutional history, it may be thought that such a scheme of a historical introduction to the Institutes followed by study of the latter is ill advised. The historical course is too brief for the student of institutions, who will not desire the dogmatic course, and the combined course requires too much time for the student of Anglo-American law, for whom the system of Roman law is the main thing. Yet the book will prove useful to students in the United States, for whom Muirhead's classical text is too long and goes into too much detail.

For a long time histories of Roman law were written from the standpoint of the idealistic interpretation. Later Jhering and Voigt suggested an ethnological interpretation. British writers, who almost uniformly adopt a political interpretation in jurisprudence, have usually approached legal history from that point of view. But the influence of the tendency toward an ethnological interpretation was noticeable in Muirhead, and is very marked in the present book, in which some three chapters are given over to matters of archæology and ethnology. It cannot be said, however, that any special relevance of these matters to the history of Roman law is made out. Indeed Cuq has pretty well disposed of the attempts to get beyond generalities in this connection and trace race influence into details. And the well-settled British bent for the political interpretation is evidenced in the space given to Roman political institutions.

If one may venture such a heresy, it may be doubted whether these newer interpretations of legal history have achieved much beyond a possible broadening of the juristic field of vision. It has been said that the ethnological interpretation has not taken us beyond some generalities and far-fetched speculations. Kuhlenbeck's biological interpretation does not appear to be giving us a different history of Roman law from that with which we have been familiar. Nor has the political interpretation resulted in more than exposition of Roman legal and political institutions side by side. After all, Puchta's exposition of the history of Roman law as a gradual unfolding of the idea of right and justice appears to be the one case in which the interpretation has borne fruit in the narrative. Whether the so-called external history of the two great legal systems of the world may not be left to the college courses in history and the internal history given the whole measure of the time which the professional student can devote to these subjects may perhaps deserve reconsideration. But the text book, above all things, must be up to date. And we can have no just quarrel with an author who is in entire accord with the fashions of the day.

The new edition of Professor Walton's book may be recommended to students of law in the United States, who, so far as they study Roman law at all, pursue a dogmatic or systematic course only, in connection with which a brief but reliable exposition of its history is obviously desirable. R. P.

THE LAW AND CUSTOM OF THE CONSTITUTION. By Sir William R. Anson, Bart. Volume I: Parliament. Fourth Edition. Reissue Revised. Oxford: The Clarendon Press; London, New York, & Toronto: Henry Frowde. 1911. pp. xxvi, 404.

The fourth edition of Sir William Anson's standard work was reviewed in 23 HARV. L. REV. 575. The reissue has been revised to indicate the changes made in the fundamental law of the land by the Parliament Bill of 1911. This bill has worked such a revolution in the constitutional law of Great Britain that no treatise on the constitution is adequate for present use unless it embodies these changes. In order to equalize the conditions under which